

5004

BK 1066PG0477

Instrument prepared by:
VIRGINIA GAS AND OIL BOARD

Order recorded under:
CODE OF VIRGINIA
§ 45.1-361.26

VIRGINIA: BEFORE THE GAS AND OIL BOARD

APPLICANTS: CNX Gas Company on behalf of Coal Mountain Mining Company Limited Partnership, LLP and James M. Short

DOCKET NO.
03-1021-1207-01

Tax Map Identification Numbers For All Parcels Affected By This Order Are Shown On Exhibit A1

RELIEF SOUGHT: Issuance: A Supplemental Order for Disbursement of Escrowed Funds
Action: Amending Prior Orders Affecting Drilling Unit FF-38, Tract 2B (Referenced herein as "the Subject Drilling Unit")
Location: Tazewell County, Virginia

Action Details:

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit **FF-38** by Tract Sub-accounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling Unit's Escrow Subaccount for **VGOB Tract(s) identified in Table 1.**

REPORT OF THE BOARD

FINDINGS AND ORDER

- 1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on November 17, 2009 at the Conference Center, Russell County Office Building, Highland Drive, Lebanon, Virginia.
- 2. **Appearances:** Mark Swartz for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
- 3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract sub-accounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract subaccounts. The Board finds that: (1) while it **does not** have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it **does not** have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, **the Board does have jurisdiction and authority to disburse funds from the Escrow Account** provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1. (a) On December 18, 2003, the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Tazewell County on December 22, 2003, in Deed Book 0898 at Page 205. The Supplemental was filed with the Clerk of The Circuit Court of Tazewell County on March 14, 2005 in Deed Book 0935 at Page 0008 (hereafter all orders are collectively referred to as the "Pooling Orders").
- 4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Coal Mountain Mining Company Limited Partnership, LLP (Tract 2B) and the gas ownership interests of James M. Short (Tract 2B) in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3 The Unit Operator's Miscellaneous Petition regarding Tract 1B, a copy of which is attached hereto and made a part hereof, states under oath that Coal Mountain Mining Company Limited Partnership, LLP and James M. Short have entered into a split agreement with regard to Tract 2B. That by the terms of the agreement and escrow regarding these individual conflicting claims detailed herein escrowing with the Virginia Gas and Oil Board is no longer required.
- 4.4 The Unit Operator gave notice to the applicants that the Board would consider its disbursement authorization at its hearing on November 17, 2009 to consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to Tract 2B as identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to Tracts 2B and the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because there are other parties under this order subject to continued payments in the escrow.
- 4.5 The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

5.1. **Va. Code 45.1-361.22.5 provides:**

The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.

5.2 Applicant has certified and represented to the Board that:

- (1) Coal Mountain Mining Company Limited Partnership, LLP and James M. Short are the owners of the coal estate and gas estate, respectively, underlying Tract 2B of the Subject Drilling Unit;
- (2) Net interests attributable and to be disbursed to Applicants are shown in Table 1.

VGOB Approved Disbursement
VGOB-03-1021-1207

As Given

Acreage Fraction	Acreage Interest	Split Agreement	Acres	% of Escrowed Funds
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Table 1

		Tract 2B				
Item	Tract	Disbursement Table				
					81.76991	
1	2B	Coal Mountain Mining Co. Ltd. Partnership, LLP, P. O. Box 675, Tazewell, VA 24651	41.8500	27.5%	11.51	14.0746%
2	2B	James M. Short, et al / c/o C. R. Bolling; Bolling-Hearl-Ratliff, / PO Box 1250 / Richlands, VA 246	41.8500	72.5%	30.34	37.1056%

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, **and**, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for the Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

6. **Conclusion:**

Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

7. **Appeals:**

Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

8. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 24 day of Nov, 2009, by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Bradley C. Lambert, Chairman

DONE AND PERFORMED this ~~24~~^{24th} day of November, 2009, by an Order of this Board.

David E. Asbury Jr.
David E. Asbury Jr.,
Principal Executive to the Staff
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA)
COUNTY OF RUSSELL

Acknowledged on this 24th day of November, 2009, personally before me a notary public in and for the Commonwealth of Virginia, appeared **Bradley C. Lambert**, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and **David E. Asbury Jr.**, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

Diane J. Davis
Diane J. Davis
Notary Public #174394

My commission expires: 09/30/13



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 03-1021-1207-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 2B (2) AND AUTHORIZATION FOR DIRECT PAYMENT OF ROYALTIES

HEARING DATE: November 17, 2009

DRILLING UNIT: FF-38

~~Tazewell~~
BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, 2481 John Nash Boulevard, Bluefield, West Virginia 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, SWARTZ LAW OFFICES, PLLC., 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.

2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 2B as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the Deed of Confirmation between Coal Mountain Mining Company Limited Partnership, LLP and James M. Short

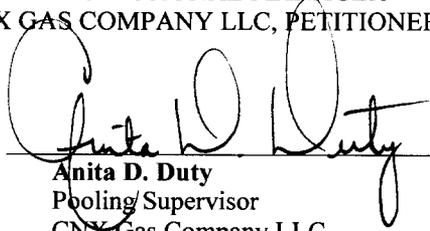
3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. **Type of well(s):** Coalbed methane.

5. **Factual basis for relief requested:** Coal Mountain Mining Company Limited Partnership, LLP and James M. Short have entered into a Deed of Confirmation dated July 30, 2009 and recorded in Deed Book 1058 Page 642 on August 5, 2009 in Tazewell County, VA. Said agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Exhibit A, further, specifies how said royalties are to be divided and paid.

6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC
BY ITS PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER

By: 
Anita D. Duty
Pooling Supervisor
CNX Gas Company LLC
2481 John Nash Blvd.
Bluefield, West Virginia 24701

**Tract-by-Tract Escrow Calculation
Account Balances as of 9/30/09**

Unit FF38

VGOB 03-1021-1207-01

Acres Escrowed: 81.76991

Owners	Tract #	Acres	Total Tract Percent of Escrow	Per Agreement Percent of Escrow to be Paid	Amount Due Owners
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	1a	2.89	3.53431%		\$4,618.49
Jerry T. Absher, et ux. - O&G					\$4,618.49
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	1b	6.72991	8.23030%		\$10,755.02
Sterling Ball, et al - O&G		6.75			\$10,755.02
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	1c	0.44	0.53810%		\$703.16
Robert E. Cordill, et al - O&G					\$703.16
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	1d	5.11	6.24924%		\$8,166.25
Earl J. Cordill, et ux - O&G		5.17			\$8,166.25
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	2a	5.17	6.32262%		\$8,262.14
Betty J. Short, et al - O&G					\$8,262.14
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	2b	41.85000	51.18020%	14.07455%	\$36,784.10
James M. Short - O&G				37.10564%	\$96,976.26
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	2e	0.14	0.17121%		\$223.73
Wanda Simmons, et al - O&G					\$223.73
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	2g	3.76	4.59827%		\$6,008.83
Russell J. Short, et ux. - O&G					\$6,008.83
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	2h	10.23	12.51071%		\$16,348.49
Johnnie H. Short - O&G					\$16,348.49
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	2i	2.94	3.59545%		\$4,698.39
Buford E. Short - O&G					\$4,698.39
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	2j	0.76	0.92944%		\$1,214.55
Buford E. Short - O&G					\$1,214.55
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	2k	1.75	2.14015%		\$2,796.66
Commonwealth of VA, DOT - O&G					\$2,796.66

Wells contributing to the escrow account: FF38 and FF38A

SK 1066PG0482

BK 1065PG0483

N 307,896.90
E 1,014,439.88

89.37 ACRE UNIT

N 307,968.37
E 1,012,574.52

CBM-FF38

N 305,884.06
E 1,012,499.04

N 305,812.61
E 1,014,364.44

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS
PROVIDED BY CONSOL Inc. AND WERE NOT SURVEYED.

EXHIBIT A
OAKWOOD FIELD UNIT FF-38
FORCE POOLING
VGOB-03-1021-1207

Company CNX Gas Company LLC Well Name and Number UNIT FF38
Tract No. _____ Elevation _____ Quadrangle Keen Mountain
County Tazewell District Maiden Springs Scale: 1" = 400' Date 9/19/05
This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGD-G0-7
Rev. 9/91

Charles A. May
Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

CNX GAS COMPANY LLC**UNIT FF-38**

**Tract Identifications
(89.37 Acre Unit)**

BK 1065 PG 0484

- 1A. Coal Mountain Mining Co. Limited Partnership, LLP, Tract 18 (Jerry Cordell Tract 185 Acres) – Coal
Consolidation Coal Company – Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC – CBM Leased
Jerry T. Absher, et ux – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
(Tax Map 84 01, Parcel 5A)
2.89 Acres 3.2337%
- 1B. Coal Mountain Mining Co. Limited Partnership, LLP, Tract 18 (Jerry Cordell Tract 185 Acres) – Coal
Consolidation Coal Company – Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC – CBM Leased
Sterling Ball, et al – All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased (22.125%)
David E. Short – Surface
(Tax Map 84 01, Parcel 3)
6.75 Acres 7.5529%
- 1C. Coal Mountain Mining Co. Limited Partnership, LLP, Tract 18 (Jerry Cordell Tract 185 Acres) – Coal
Consolidation Coal Company – Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC – CBM Leased
Robert E. Cordill – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
(Tax map 84 01, Parcel 2)
0.44 Acres 0.4923%
- 1D. Coal Mountain Mining Co. Limited Partnership, LLP, Tract 18 (Jerry Cordell Tract 185 Acres) – Coal
Consolidation Coal Company – Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC – CBM Leased
CNX Gas Company LLC – Surface and All Minerals except Coal
(Tax Map 84 01, Parcel 1)
5.11 Acres 5.7849%
- 2A. Coal Mountain Mining Co. Limited Partnership, LLP, Tract 40 (John Short Tract 205 Acres) – Coal
Consolidation Coal Company – Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC – CBM Leased
Betty J. Short, et al – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
(Tax Map 84A, Parcel 92A)
5.17 Acres 5.7849%

CNX GAS COMPANY LLC

UNIT FF-38

Tract Identifications

(89.37 Acre Unit)

BK 1066PG0485

- 2B. Coal Mountain Mining Co. Limited Partnership, LLP, Tract 40 (John Short Tract 205 Acres) – Coal
Consolidation Coal Company – Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
James M. Short – CBM (72.5%)
Coal Mountain Mining Co. Limited Partnership, LLP – CBM (27.5%)
CNX Gas Company LLC – CBM Leased
James M. Short – Surface and All Minerals except Coal
CNX Gas Company, LLC – Oil and Gas Leased
(Tax Map 84A, Parcel 92)
41.85 Acres 46.8278%
- 2C. Coal Mountain Mining Co. Limited Partnership, LLP, Tract 40 (John Short Tract 205 Acres) – Coal
Consolidation Coal Company – Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC – CBM Leased
Carl N. Ball, et ux. – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
(Tax Map 84A, Parcel 93)
1.10 Acres 46.8278%
- 2D. Coal Mountain Mining Co. Limited Partnership, LLP, Tract 40 (John Short Tract 205 Acres) – Coal
Consolidation Coal Company – Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC – CBM Leased
Carl N. Ball, et ux. – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
(Tax Map 84A, Parcel 91)
3.31 Acres 3.7037%
- 2E. Coal Mountain Mining Co. Limited Partnership, LLP, Tract 40 (John Short Tract 205 Acres) – Coal
Consolidation Coal Company – Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC – CBM Leased
Wanda Simmons, et al – All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased (80.3%)
Knox Creek Carbon Company – Surface
(Tax Map MM0253)
0.14 Acres 0.1567%
- 2F. Coal Mountain Mining Co. Limited Partnership, LLP, Tract 40 (John Short Tract 205 Acres) – Coal
Consolidation Coal Company – Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC – CBM Leased
David E. Short – Surface and All Minerals except Coal
(Tax Map 84A, Parcel 99)
3.17 Acres 3.5471%

CNX GAS COMPANY LLC

UNIT FF-38

Tract Identifications

(89.37 Acre Unit)

BK 1066PG0486

- 2G. Coal Mountain Mining Co. Limited Partnership, LLP, Tract 40 (John Short Tract 205 Acres) – Coal Consolidation Coal Company – Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC – CBM Leased
Russell J. Short, et ux – Surface and All Minerals except Coal
(Tax Map 84A, Parcel 7)
3.76 Acres 4.2072%
- 2H. Coal Mountain Mining Co. Limited Partnership, LLP, Tract 40 (John Short Tract 205 Acres) – Coal Consolidation Coal Company – Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC – CBM Leased
Johnie H. Short – Surface and All Minerals except Coal
(Tax Map 84A, Parcel 8)
10.23 Acres 11.4468%
- 2I. Coal Mountain Mining Co. Limited Partnership, LLP, Tract 40 (John Short Tract 205 Acres) – Coal Consolidation Coal Company – Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC – CBM Leased
Buford Short – Surface and All Minerals except Coal
(Tax Map 84A, Parcel 9)
2.94 Acres 3.2897%
- 2J. Coal Mountain Mining Co. Limited Partnership, LLP, Tract 40 (John Short Tract 205 Acres) – Coal Consolidation Coal Company – Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC – CBM Leased
Buford Short, et ux – Surface and All Minerals except Coal
(Tax Map 84A, Parcel 10)
0.76 Acres 0.8504%
- 2K. Coal Mountain Mining Co. Limited Partnership, LLP, Tract 40 (John Short Tract 205 Acres) – Coal Consolidation Coal Company – Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC – CBM Leased
Commonwealth of Virginia – Surface and All Minerals except Coal
(Tax Map 84A, Parcel 00)
1.75 Acres 1.9582%

BK 1066PG0487

Exhibit E
Unit FF-38
Docket #VGOB 03-1021-1207

List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

	Acres in Unit	Interest in Unit
<u>Tract #1A, 2.89 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	2.89 acres	3.2337%
<u>OIL & GAS OWNERSHIP</u>		
(1) Jerry T. Absher, et ux. 4276 Roadridge TPK Raven, VA 24639	2.89 acres	3.2337%
<u>Tract #1B, 6.75 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	6.75 acres	7.5529%
<u>OIL & GAS OWNERSHIP</u>		
Sterling Ball, et al.	6.75 acres	7.5529%
(1) Sterling Ball 2580 West Mountain Street Kernersville, NC 27284	0.9643 acres 1/7 of 6.75 acres	1.0790%
(2) Charlotte Ball Compton 1280 Timbercliff Mansfield, OH 44907	0.9643 acres 1/7 of 6.75 acres	1.0790%
(3) Lenwood Ball (Lenward) Heirs, Devisees, Successors or Assigns <i>Heirs/Addresses Unknown</i>	0.9643 acres 1/7 of 6.75 acres	1.0790%
(4) Exie Ball Johnson Heirs, Devisees, Successors or Assigns		
(a) Marvin Cline 159 Dakota Drive Raven, VA 24639	0.0742 acres 1/91 of 6.75 acres	0.0830%
(b) Anne Mae Absher 757 Fork Ridge Road, Box 33 Raven, VA 24639	0.0742 acres 1/91 of 6.75 acres	0.0830%
(c) Otis Johnson HC62 Box 49 Raven, VA 24639	0.0742 acres 1/91 of 6.75 acres	0.0830%

BK 1065PG0488

**Exhibit E
Unit FF-38
Docket #VGOB 03-1021-1207**

**List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)**

	Acres in Unit	Interest in Unit
(d) Bobby Johnson 105 Bentwood Road Raven, VA 24639	0.0742 acres 1/91 of 6.75 acres	0.0830%
(e) Johnny Johnson 138 Almond Lane Raven, VA 24639	0.0742 acres 1/91 of 6.75 acres	0.0830%
(f) Harold Cline P.O. Box 660 Raven, VA 24639	0.0742 acres 1/91 of 6.75 acres	0.0830%
(g) Peggy Burke (Ford) <i>Address Unknown</i>	0.0742 acres 1/91 of 6.75 acres	0.0830%
(h) Betty Lawson Box 174 Richlands, VA 24641	0.0742 acres 1/91 of 6.75 acres	0.0830%
(i) Ruth Short PO Box 291 Doran, VA 24612	0.0742 acres 1/91 of 6.75 acres	0.0830%
(j) Lucille Sisk PO Box 275 Pounding Mill, VA 24637	0.0742 acres 1/91 of 6.75 acres	0.0830%
(k) Lois Mays Rt. 1 Box 603 Swords Creek, VA 24649	0.0742 acres 1/91 of 6.75 acres	0.0830%
(l) Maxine Ward Box 26 Red Ash, VA 24640	0.0742 acres 1/91 of 6.75 acres	0.0830%
(m) Nancy Johnson 964 Thru Drive Pounding Mill, VA 24637	0.0742 acres 1/91 of 6.75 acres	0.0830%
(5) Raleigh Ball Heirs, Devisees, Successors or Assigns		
(a) June Horn Heirs, Devisees, Successors or Assigns		
(a.1) Gary Horn Box 528 Cedar Bluff, VA 24609	0.0344 acres 1/196 of 6.75 acres	0.0385%
(a.2) Michael Horn 146 Wingo Lane Cedar Bluff, VA 24609	0.0344 acres 1/196 of 6.75 acres	0.0385%
(a.3) Gerald Horn 1109 Harbor St. Cedar Bluff, VA 24609	0.0344 acres 1/196 of 6.75 acres	0.0385%

**Exhibit E
Unit FF-38
Docket #VGOB 03-1021-1207**

**List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)**

BK 1066PG0489

	Acres in Unit	Interest in Unit
(a.4) Rita Wimmer PO Box 12 Pounding Mill, VA 24637	0.0344 acres 1/196 of 6.75 acres	0.0385%
(b) Ola Gay Vandyke 18 Smith Street Raven, VA 24639	0.1378 acres 1/49 of 6.75 acres	0.1541%
(c) Herby Ball 125 Albert Rd. Stokesdale, NC 27357	0.1378 acres 1/49 of 6.75 acres	0.1541%
(d) Hermas Ball 8609 McGuire Rd. Kernersville, NC 24284	0.1378 acres 1/49 of 6.75 acres	0.1541%
(e) Betty Hinkle P.O. Box 2326 Cedar Bluff, VA 24609	0.1378 acres 1/49 of 6.75 acres	0.1541%
(f) Raleigh Ball, Jr. 405 River Birch Drive Vass, NC 28394	0.1378 acres 1/49 of 6.75 acres	0.1541%
(g) Irean Bostic Heirs, Devisees, Successors or Assigns		
(g.1) John L. Bostic PO Box 411 Swords Creek, VA 24649		<i>Life Estate</i>
(g.2) Greg Bostic 553 Cedar Creek Dr. Pounding Mill, VA 24631	0.1378 acres 1/49 of 6.75 acres	0.1541%
(6) Ida Ball Stilwell Heirs, Devisees, Successors or Assigns <i>(previously listed as Ida Webb Ball)</i>		
(a) Beulah V. Osborne c/o Vivian Osborne PO Box 500 Oakwood, VA 24631	0.1205 acres 1/56 of 6.75 acres	0.1349%
(b) Exie Osborne Heirs, Devisees, Successors or Assigns		
(b.1) John Lee Osborne P.O. Box 6 Shortt Gap, VA 24647	0.0241 acres 1/280 of 6.75 acres	0.0270%
(b.2) Maxie Boyd P.O. Box 972 Raven, VA 24639	0.0241 acres 1/280 of 6.75 acres	0.0270%

BK 1066PG0490

Exhibit E
Unit FF-38
Docket #VGOB 03-1021-1207
List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

	Acres in Unit	Interest in Unit
(b.3) Ruth Osborne P.O. Box 672 Doran, VA 24612	0.0241 acres 1/280 of 6.75 acres	0.0270%
(b.4) Judy Blankenship Box 221 Doran, VA 24612	0.0241 acres 1/280 of 6.75 acres	0.0270%
(b.5) Ida Proffitt P.O. Box 6 Shortt Gap, VA 24647	0.0241 acres 1/280 of 6.75 acres	0.0270%
(c) Arthur M. Stilwell PO Box 314 Raven, VA 24639	0.1205 acres 1/56 of 6.75 acres	0.1349%
(d) Flossie Stilwell Osborne Heirs, Devisees, Successors or Assigns		
(d.1) Arlin W. Osborne P. O. Box 446 Raven, VA 24639	0.0134 acres 1/504 of 6.75 acres	0.0150%
(d.2) Daniel J. Osborne HC 62, Box 80 Raven, VA 24639	0.0134 acres 1/504 of 6.75 acres	0.0150%
(d.3) Marvin J. Osborne P. O. Box 1607 Cedar Bluff, VA 24609	0.0134 acres 1/504 of 6.75 acres	0.0150%
(d.4) Hubbard Osborne HC 62, Box 89 Raven, VA 24639	0.0134 acres 1/504 of 6.75 acres	0.0150%
(d.5) Jackie D. Osborne Rt. 1, Box 209 Raven, VA 24639	0.0134 acres 1/504 of 6.75 acres	0.0150%
(d.6) Jerline Davis 118 Coronado Rd. North Tazewell, VA 24630	0.0134 acres 1/504 of 6.75 acres	0.0150%
(d.7) Sylvia A. Shelton St. Rt. Box 81A Raven, VA 24639	0.0134 acres 1/504 of 6.75 acres	0.0150%
(d.8) Lois Casey Sunny Hills Dr. Apt. 5 Cedar Bluff, VA 24609	0.0134 acres 1/504 of 6.75 acres	0.0150%
(d.9) Linda S. Shelton P. O. 521 Pounding Mill, VA 24637	0.0134 acres 1/504 of 6.75 acres	0.0150%
(e) Sylvester Stilwell Heirs, Devisees, Successors or Assigns		

Exhibit E
Unit FF-38
Docket #VGOB 03-1021-1207
List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

BK 1065PG0491

	Acres in Unit	Interest in Unit
(e.2) Curtis Stilwell P.O. Box 2216 Cedar Bluff, VA 24609	0.0201 acres 1/336 of 6.75 acres	0.0225%
(e.3) Leonard C. Stilwell P. O. Box 932 Raven, VA 24639	0.0201 acres 1/336 of 6.75 acres	0.0225%
(e.4) Theodore Stilwell HC 66 Box 112A Whitewood, VA 24657	0.0201 acres 1/336 of 6.75 acres	0.0225%
(e.5) Bessie Lowe P. O. Box 47 Shortt Gap, VA 24647	0.0201 acres 1/336 of 6.75 acres	0.0225%
(e.6) Wanda Hagy P. O. Box 1738 Richlands, VA 24641	0.0201 acres 1/336 of 6.75 acres	0.0225%
(f) Charles Stilwell Heirs, Devisees, Successors or Assigns		
(f.1) Bernadine R. Lisburg 1418 First Avenue South Fargo, ND 58103		<i>Life Estate</i>
(f.2) David W. Stilwell 244 Texas Street Apt. 214 Rapid City, SD 57701	0.0201 acres 1/336 of 6.75 acres	0.0225%
(f.3) Thomas H. Stilwell 27 Horseshoe Bend Fargo, ND 58104	0.0201 acres 1/336 of 6.75 acres	0.0225%
(f.4) Quentin A. Stilwell P. O. Box 1013 Rhame, ND 58651	0.0201 acres 1/336 of 6.75 acres	0.0225%
(f.5) Gladys E. Pollert 1211 29th Street North Fargo, ND 58102	0.0201 acres 1/336 of 6.75 acres	0.0225%
(f.6) Daniel J. Stilwell 100 3rd Street South West D# Mandan, ND 58554	0.0201 acres 1/336 of 6.75 acres	0.0225%
(f.7) Bernice R. Lamb 2124 Country Road 116 International Falls, MN 56649	0.0201 acres 1/336 of 6.75 acres	0.0225%
(g) Elmer Stilwell Heirs, Devisees, Successors or Assigns		
(g.1) Virginia N. Stilwell, widow HC 62, Box 97 Raven, VA 24639	0.1205 acres 1/56 of 6.75 acres	0.1349%

BK 1066 PG 0492

**Exhibit E
Unit FF-38
Docket #VGOB 03-1021-1207**

**List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)**

	Acres in Unit	Interest in Unit
(h) Raleigh Stilwell Heirs, Devisees, Successors or Assigns		
(h.1) Martha J. Stilwell P.O. Box 54 Raven, VA 24639	0.1205 acres 1/56 of 6.75 acres	0.1349%
(7) John Ball Heirs, Devisees, Successors or Assigns		
(a) Goldie Ball Compton Address Unknown	0.4821 acres 1/14 of 6.75 acres	0.5395%
(b) Judith Compton Address Unknown	0.2411 acres 1/28 of 6.75 acres	0.2697%
(c) Clayton Compton Address Unknown	0.2411 acres 1/28 of 6.75 acres	0.2697%
<u>Tract #1C, 0.44 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	0.44 acres	0.4923%
<u>OIL & GAS OWNERSHIP</u>		
(1) Robert E. Cordill, et al. P.O. Box 87 Raven, VA 24639	0.44 acres	0.4923%
<u>Tract #1D, 5.11 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	5.11 acres	5.7178%
<u>OIL & GAS OWNERSHIP</u>		
(1) Earl J. Cordill, et ux. P.O. Box 421 Doran, VA 24612	5.11 acres	5.7178%
<u>Tract #2A, 5.17 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	5.17 acres	5.7849%

Exhibit E
Unit FF-38

Docket #VGOB 03-1021-1207

List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

BK 1066PG0493

	Acres in Unit	Interest in Unit
<u>OIL & GAS OWNERSHIP</u>		
(1) Betty J. Short, et al.	5.17 acres	5.7849%
(a) Betty J. Short 411 Kents Ridge Road Richlands, VA 24641	3.88 acres 3/4 of 5.17 acres	4.3387%
(b) Charles G. Rakes Rt.3 Box 108A Tazewell, VA 24651	1.29 acres 1/4 of 5.17 acres	1.4462%
<u>Tract #2E, 0.14 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	0.14 acres	0.1567%
<u>OIL & GAS OWNERSHIP</u>		
(1) Wanda Simmons, et al. (Mary Jane Short Heirs, Devisees, Successors or Assigns)	0.14 acres	0.1567%
(a) Maude Murray 1234 1/2 N. F Street Muscogee, OK 74403	0.0102 acres 7/96 of 0.14 acres	0.0114%
(b) Ruby Boice 1409 Old Manor Road Chesapeake, VA 23323	0.0102 acres 7/96 of 0.14 acres	0.0114%
(c) Millie Maxey Campbell 216 Cassidy Avenue Virginia Beach, VA 23452	0.0102 acres 7/96 of 0.14 acres	0.0114%
(d) Carolyn Phelps Heirs, Devisees, Successors or Assigns		
(d.1) Robert L. Phelps, widower 3108 Sterling Way Portsmouth, VA 23703	0.0102 acres 7/96 of 0.14 acres	0.0114%
(e) George H. Short 806 Nottingham Road Portsmouth, VA 23703	0.0102 acres 7/96 of 0.14 acres	0.0114%
(f) James H. Short 622 Chandler Harper Drive Portsmouth, VA 23701	0.0102 acres 7/96 of 0.14 acres	0.0114%
(g) Donald Blane Short 4404 Point West Drive Portsmouth, VA 23703	0.0102 acres 7/96 of 0.14 acres	0.0114%

Exhibit E
Unit FF-38
Docket #VGOB 03-1021-1207
List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

BK 1066PG0494

	Acres in Unit	Interest in Unit
(h) Alfred V. Short Heirs, Devisees, Successors or Assigns		
(h.1) Alfred V. Short, Jr. 109 Wyoming Avenue Portsmouth, VA 23701	0.0034 acres 7/288 of 0.14 acres	0.0038%
(h.2) Cheryl Wood 13 California Avenue Portsmouth, VA 23701	0.0034 acres 7/288 of 0.14 acres	0.0038%
(h.3) Patricia Clark 6101 #B College Drive Suffolk, VA 23435	0.0034 acres 7/288 of 0.14 acres	0.0038%
(i) Daniel A. Short Heirs, Devisees, Successors or Assigns		
(i.1) Delmar Short (spouse) 2741 Martha Drive Chesapeake, VA 23323	0.0034 acres 7/288 of 0.14 acres	0.0038%
(i.2) Dennis Short 1421 Old Manor Road Chesapeake, VA 23323	0.0010 acres 1/144 of 0.14 acres	0.0011%
(i.3) Dwayne Short 2106 Wyoming Avenue Portsmouth, VA 23701	0.0010 acres 1/144 of 0.14 acres	0.0011%
(i.4) David S. Short 3920 Wedgewood Drive Chesapeake, VA 23321	0.0010 acres 1/144 of 0.14 acres	0.0011%
(i.5) Danny Short 1112 Elm Street Suffolk, VA 23434	0.0010 acres 1/144 of 0.14 acres	0.0011%
(i.6) Delmar Grover Short 2709 Martha Drive Chesapeake, VA 23323	0.0010 acres 1/144 of 0.14 acres	0.0011%
(i.7) Dawn Short Robey 2749 Martha Drive Chesapeake, VA 23323	0.0010 acres 1/144 of 0.14 acres	0.0011%
(i.8) Dianna Short Barney 3 Windmere Heights Bristol, VA 24201	0.0010 acres 1/144 of 0.14 acres	0.0011%
(j) Max O. Short Heirs, Devisees, Successors or Assigns		
(j.1) Marie (Frances) Short, widow 9 Morris Street, Apt.2 Portsmouth, VA 23702	0.0034 acres 7/288 of 0.14 acres	0.0038%

BK 1066PG0495

Exhibit E
Unit FF-38

Docket #VGOB 03-1021-1207

List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

	Acres in Unit	Interest in Unit
(j.2) Mary Ann Rowe 9 Morris Street, Apt.2 Portsmouth, VA 23702	0.0034 acres 7/288 of 0.14 acres	0.0038%
(j.3) Carrol J. Short 3263 Asbury Square Atlanta, GA 30346	0.0034 acres 7/288 of 0.14 acres	0.0038%
(k) John D. Short 6178 Knotts Creek Lane Suffolk, VA 23435	0.0102 acres 7/96 of 0.14 acres	0.0114%
(l) Wanda Simmons Heirs, Devisees, Successors or Assigns		
(l.1) Dennis Simmons 109 Eagle Street Richlands, VA 24641	0.0013 acres 7/768 of 0.14 acres	0.0014%
(l.2) Bernice Simmons (Widow) Heirs, Devisees, Successors or Assigns		
(l.2.1) Michael T. Simmons 520 Crestwood Drive Richlands, VA 24641	0.0013 acres 7/768 of 0.14 acres	0.0014%
(l.3) Norma Lee 751 Terry Drive Richlands, VA 24641	0.0013 acres 7/768 of 0.14 acres	0.0014%
(l.4) Billy R. Simmons P.O. Box 45 Doran, VA 24612	0.0013 acres 7/768 of 0.14 acres	0.0014%
(l.5) Jack Simmons 764 Terry Drive Richlands, VA 24641	0.0013 acres 7/768 of 0.14 acres	0.0014%
(l.6) Renee Younce 1828 Broad Street Bristol, TN 37620	0.0013 acres 7/768 of 0.14 acres	0.0014%
(l.7) Bernard Simmons 2805 W. Front Street Richlands, VA 24641	0.0013 acres 7/768 of 0.14 acres	0.0014%
(l.8) Sandra Simmons 3455 Pitzer Road Roanoke, VA 24014	0.0013 acres 7/768 of 0.14 acres	0.0014%
(2) Knox Creek Coal Corporation c/o A.T. Massey P.O. Box 519 Raven, VA 24639	0.0175 acres 1/8 of 0.14 acres	0.0196%

BK 1066PG0496

Exhibit E
Unit FF-38
Docket #VGOB 03-1021-1207
List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

	Acres in Unit	Interest in Unit
<u>Tract #2G, 3.76 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	3.76 acres	4.2072%
<u>OIL & GAS OWNERSHIP</u>		
(1) Russell J. Short, et ux. P.O. Box 363 Swords Creek, VA 24649	3.76 acres	4.2072%
<u>Tract #2H, 10.23 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	10.23 acres	11.4468%
<u>OIL & GAS OWNERSHIP</u>		
(1) Johnie H. Short P.O. Box 227 Richlands, VA 24641	10.23 acres	11.4468%
<u>Tract #2I, 2.94 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	2.94 acres	3.2897%
<u>OIL & GAS OWNERSHIP</u>		
(1) Buford E. Short 3929 Road Ridge Turnpike Raven, VA 24639	2.94 acres	3.2897%
<u>Tract #2J, 0.76 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	0.76 acres	0.8504%

Exhibit E
Unit FF-38
Docket #VGOB 03-1021-1207

BK1065PG0497

List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

	Acres in Unit	Interest in Unit
<u>OIL & GAS OWNERSHIP</u>		
(1) Buford E. Short 3929 Road Ridge Turnpike Raven, VA 24639	0.76 acres	0.8504%
<u>Tract #2K, 1.75 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	1.75 acres	1.9582%
<u>OIL & GAS OWNERSHIP</u>		
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24203	1.75 acres	1.9582%

Exhibit EE
Unit FF-38
Docket #VGOB 03-1021-1207

List of Conflicting Owners/Claimants with Royalty Split Agreements

BK 1066PG0498

	Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #1B, 6.75 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	6.75 acres	7.5529%	n/a
<u>OIL & GAS OWNERSHIP</u>			
Sterling Ball, et al.	6.75 acres	7.5529%	
(6) Ida Ball Stilwell Heirs, Devisees, Successors or Assigns			
(e) Sylvester Stilwell Heirs, Devisees, Successors or Assigns			
(e.1) Jay C. Stilwell Heirs, Devisees, Successors or Assigns			
(e.1.2) Connie Stilwell, widow P. O. Box 1035 Raven, VA 24639	0.0201 acres 1/336 of 6.75 acres	0.0225%	n/a
<u>Tract #2B, 41.85 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	41.85 acres	46.8278%	14.07455%
<u>OIL & GAS OWNERSHIP</u>			
(1) James M. Short 181 Vickey Drive Richlands, VA 24641	41.85 acres	46.8278%	37.10564%
<i>The effect Deed of Confirmation dated 7/30/09, James Short 72.5% CBM rights / Coal Mountain 27.5% CBM right:</i>			
<u>Tract #2C, 1.10 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	1.10 acres	1.2308%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Carl N. Ball, et ux. Heirs, Devisees, Successors or Assigns			
(a) David D. Ball 384 Leonards Drive Raven, VA 24639	1.10 acres	1.2308%	n/a

Exhibit EE
Unit FF-38
Docket #VGOB 03-1021-1207

List of Conflicting Owners/Claimants with Royalty Split Agreements

BK 1066PG0499

	Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #2D, 3.31 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	3.31 acres	3.7037%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Carl N. Ball, et ux. Heirs, Devisees, Successors or Assigns			
(a) David D. Ball 384 Leonards Drive Raven, VA 24639	3.31 acres	3.7037%	n/a
<u>Tract #2F, 3.17 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	3.17 acres	3.5471%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) David E. Short 4150 Road Ridge Raven, VA 24639	3.17 acres	3.5471%	n/a

Altizer, Walk and White PLLC

Attorneys at Law
209 East Main Street
P. O. Box 30
Tazewell, Virginia 24651

BK 1066PG0500

David Grant Altizer (VA & WV)
Thomas P. Walk
Robert A. White
B. Alan McGraw
Mandy Varney French

Telephone (276) 988-7979
Facsimile (276) 988-6707
Website: www.awwlaw.com

John W. Gillespie, 1908-1996
Jack P. Chambers, Retired

August 10, 2009

Ms. Anita Duty
CNX Gas Company LLC
2481 John Nash Boulevard
Bluefield, WV 24701

Re: James M. Short/Coal Mountain Mining Company
AWW File 25103

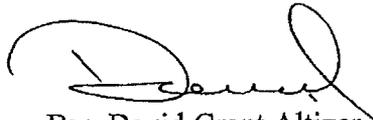
Dear Anita:

Enclosed please find the original paper work I received from Mr. Bolling and a copy of a letter to me from him. Please advise if there is anything additional that we or he needs to do. If you have any questions, please do not hesitate to call.

Appreciating your assistance, we remain

Yours very truly,

Altizer, Walk and White PLLC



By: David Grant Altizer

DGA/sam
Enclosures—Original Paperwork
Copy of Letter
pc: C. R. Bolling, Esquire (w/o encl.)





C. R. BOLLING • PHILIP S. HEARL • BRADLEY C. RATLIFF

Attorneys at Law

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Richlands, Virginia 24641

Telephone 276-964-4082
Facsimile 276-963-2777
Email: inquiry@bhlaw.info

August 6, 2009

David G. Altizer, Esq.
Altizer, Walk and White
P.O. Box 30
Tazewell, VA 24651

RE: *James M. Short/Coal Mountain Mining*

Dear David:

This is to confirm that Mr. Short has executed the documents in question and I have recorded the Deed of Confirmation in the local Clerk's office. In this regard, I am enclosing with this letter a copy of the recorded deed, which as you can see has been recorded in Deed Book 1058, Page 642 and I am also enclosing the original of the Affidavit as has been executed by Mr. Short and by Mr. Williams on behalf of Coal Mountain Mining.

In accordance with Virginia Code Section 45.1-366.22(5) request is made that CNX as the operator on the property go forward with filing the necessary petition with the Oil and Gas Board to secure a disbursement of the funds being held in escrow.

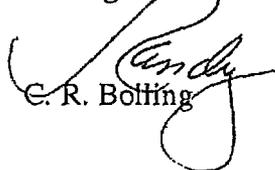
I will, of course, appreciate being provided with a copy of any petition and any other documents as may be filed CNX with the Board. In addition, of course, I will appreciate being provided with a copy of the Accounting detailing the funds being held in escrow.

Insofar as the hearing on the petition is concerned, I assume I will be notified as to the date the matter is placed on the Board's docket so that if need be I can make arrangements to appear on behalf of Mr. Short to confirm the agreement that has been reached in this matter.

Your assistance and cooperation in this matter will indeed be much appreciated.

Sincerely,

Bolling • Hearl • Ratliff



C. R. Bolling

CRB/sr

366 W Main Street • Suite 100
Abingdon, Virginia 24210

Abingdon Office

Telephone 276-676-2022
Facsimile 276-676-3721

BK 1066PG0502

AFFIDAVIT

This day, came before me, James M. Short, individually, and George Williams, who is the Managing Partner of Coal Mountain Mining Company, Limited Partnership, LLP, (formerly Coal Mountain Mining Company) who after being duly sworn, set forth, represented, and acknowledged that they are the conflicting claimants regarding the ownership of the coal bed methane gas rights and royalties on certain properties situate in Tazewell County, Virginia, and that pursuant to Virginia Code section 45.1-361.22(5), the undersigned have agreed to a division of the ownership of these coal bed methane rights and royalties, all of which is set forth and provided in the separate Deed of Confirmation of even date herewith, which deed is to be recorded in the office of the Clerk of the Circuit Court of Tazewell County, Virginia.

Dated this the 30th day of July, 2009.

Witness of all the signatures and seals.

James M. Short (SEAL)
James M. Short

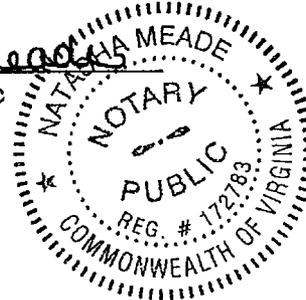
George Williams (SEAL)
George Williams

STATE OF VIRGINIA,
COUNTY OF TAZEWELL:

On this the 4th day of August, 2009, came before me James M. Short, who after being duly sworn, set forth, represented and stated under oath that all the information set forth and contained in this Affidavit is true and correct to the best of his knowledge and belief, and he did execute and acknowledge same before me on this said date.

Natasha Meade
Notary Public

My Commission Expires: 10-31-11
Registration Number: 172783

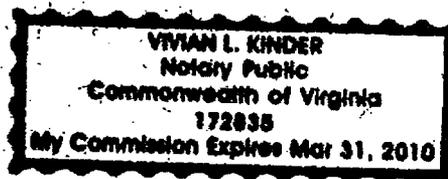


STATE OF VIRGINIA,
COUNTY OF TAZEWELL:

On this the 30th day of July, 2009, came before me George Williams, who after being duly sworn, set forth, represented and stated under oath that all the information set forth and contained in this Affidavit is true and correct to the best of his knowledge and belief, and he did execute and acknowledge same before me on this said date.

Vivian L. Kinder
Notary Public

My Commission Expires: 3/31/2010
Registration Number: 172835



2010

BK 1058PG0642
This Document Was Prepared By:
BOLLING • HEARL • RATLIFF
Attorneys at Law
P. O. Box 1250
RICHLANDS, VIRGINIA 24641
276-964-4082

PREPARED WITHOUT BENEFIT OF A TITLE EXAMINATION
TAX MAP NO. OF SOURCE OF PROPERTY CONVEYED: 084-A-0092
TITLE INSURANCE UNDERWRITER: None

THIS DEED OF CONFIRMATION is made and entered into on this the 30th day of July, 2009, by and between **JAMES M. SHORT**, whose address is 181 Vickey Drive, Richlands, Virginia 24641, the first party, to be indexed as both Grantor and Grantee, and **COAL MOUNTAIN MINING COMPANY LIMITED PARTNERSHIP, LLP**, (formerly Coal Mountain Mining Company), whose address is P.O. Box 675, Tazewell, Virginia 24651, the second party, to be indexed as both Grantor and Grantee. This instrument is exempt from recordation taxes pursuant to Virginia Code §58.1-810(1).

W I T N E S S E T H :

THAT WHEREAS , by Deed dated June 9, 1934 and recorded in the Office of the Clerk of the Circuit Court of Tazewell County, Virginia in Deed Book 123, Page 176, Leonard B. Short acquired a certain tract or boundary of property situate on the waters of Coal Creek in Tazewell County, Virginia; and,

WHEREAS , the said Leonard B. Short died testate on May 29, 1991, whose Will is of record in the aforesaid Clerk's Office in Will Book 47, Page 806; and,

WHEREAS , Myrtle V. Short being the widow of Leonard B. Short and the mother of James M. Short, died testate on May 17, 2001, whose Will is recorded in the aforesaid Clerk's Office in Will Book 59, Page 644; and,

WHEREAS , under the aforesaid instruments in the chain of title, the said James M. Short is now the owner of the said tract or boundary of property as originally conveyed to Leonard B. Short by that Deed recorded in the aforesaid Clerk's Office in Deed Book 123, Page

Partnership, LLP does hereby bargain, sell, grant and convey unto James M. Short, such undivided interests as may be necessary so as to result in the said James M. Short being the confirmed owner of seventy-two and one half percent (72.5%) interest in all past, present, and future coal bed methane rights and Coal Mountain Mining Company Limited Partnership, LLP being the confirmed owner of twenty-seven and one-half percent (27.5%) interest in all past, present, and future coal bed methane rights in and to that portion of the remaining property as owned by James M. Short under the above referenced instruments of record and which property as owned by James M. Short is a portion of the property as was originally conveyed to Leonard B. Short by Deed of record in the aforesaid Clerk's Office in Deed Book 123, Page 176, as hereinabove set forth and provided.

By execution hereof, both parties hereto set forth, represent, acknowledge and agree that nothing contained herein shall in any way be interpreted or construed to constitute any conveyance by either party to the other of any coal rights in and to the said property, which coal rights shall be and are retained by Coal Mountain Mining Company Limited Partnership, LLP; nor shall anything herein be interpreted or construed to constitute any conveyance by either party to the other of any oil or gas rights (except as specifically provided herein) in and to the said property which oil and gas rights shall be and are retained by James M. Short. It is understood and agreed that the sole and express purpose of Deed of Confirmation is to confirm the agreed ownership interest of the past, present and future coal bed methane rights in and to the said property, which ownership interest shall be binding upon the parties hereto, their heirs, assigns and successors in interest and which shall be fully enforceable against the parties hereto regardless of any future legislature or court decision regarding ownership of coal bed methane gas rights. Accordingly, it is also acknowledged and agreed by and between the parties that all coal bed methane gas royalties paid into and currently held in escrow and all future coal bed methane gas royalties shall be paid and apportioned 72.5% to James M. Short and his assigns and successors in interest and 27.5% to Coal Mountain Mining Company Limited Partnership, LLP and its assigns and successors in interest.

*{Remainder of Page Intentionally Blank
Signature Page Follows}*

IN WITNESS WHEREOF, the undersigned have executed this Deed effective as of the date first above written.

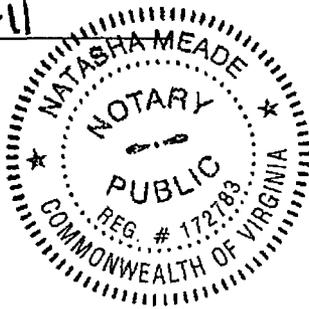
James M. Short (SEAL)
JAMES M. SHORT

COMMONWEALTH of VIRGINIA;
COUNTY of TAZEWELL; to wit:

James M. Short, whose identity is known to me personally or proven by photographic evidence, acknowledged the foregoing Deed, before me on this the 4th day of ~~July~~, 2009. August (m)

My Commission Expires:

10/31/11



Natasha Meade
Notary Public
ID # 172783

COAL MOUNTAIN MINING COMPANY
LIMITED PARTNERSHIP, LLP

By: George W. Williams (SEAL)
TITLED RECORDED IN THE CLERK'S OFFICE OF

TAZEWELL COUNTY ON
NOVEMBER 30, 2009 AT 12:58PM
Angella O. Ray
JAMES E. BLEVINS, CLERK
RECORDED BY: ADR

COMMONWEALTH of VIRGINIA;
COUNTY of TAZEWELL; to wit:

George W. Williams, whose identity is known to me personally or proven by photographic evidence, acknowledged the foregoing Deed, as Managing Partner of and for and on behalf of Coal Mountain Mining Company Limited Partnership, LLP, before me on this the 30th day of July, 2009.

My Commission Expires:

3/31/2010

INSTRUMENT #090003030
George W. Williams
RECORDED IN THE CLERK'S OFFICE OF
Notary Public TAZEWELL COUNTY ON
NOVEMBER 30, 2009 AT 08:12AM
ID # 172853
Angella O. Ray
JAMES E. BLEVINS, CLERK
RECORDED BY: ADR

RETURN TO DOCUMENT PREPARER AFTER RECORDING

